

**Rule 45. SUBPOENA**

- (a) **Witnesses.** Witnesses for trial in paupers' cases must be compelled by subpoena or their voluntary attendance procured.
- (b) **Witnesses' Attendance and Mileage Fees.** Tender of the witness fee and mileage is required even if the party requesting the subpoena (except in habeas corpus cases and proceedings under 28 U.S.C. § 2255) has been granted leave to proceed in forma pauperis under 28 U.S.C. § 1915, because, with those exceptions, no public funds are available for that purpose.
- (c) **Privileged Information.** Information which is claimed to be privileged may be filed under seal under the provisions of L.U.CIV.R. 79.
- (d) **Non-Party ESI.** Parties issuing a subpoena duces tecum for electronically stored information from non-parties must attempt to meet and confer with the non-party (or counsel, if represented) and discuss the same issues with regard to requests for ESI as set out in L.U.CIV.R. 26.
- (e) Motions regarding subpoenas will be considered discovery motions and are governed by the procedural requirements that govern discovery motions.